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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,387	03/06/2002	Tsuyoshi Kunieda	100809-00172(SCEY 19.483)	8259
26304	7590	11/10/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			COBURN, CORBETT B	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/092,387	<b>Applicant(s)</b> KUNIEDA ET AL.	
	<b>Examiner</b> Corbett B. Coburn	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13, 15-22 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) 32-34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-31 is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-13, 15-22 and 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 32-34 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The previously examined claims and the newly added claims are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the virtual character may have fewer than three parts. The subcombination has separate utility such as in a game with the viewpoint the same as the virtual character's.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 32-34 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7, 9-13, 15, 16, 17-22, 24, 25 & 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kataoka et al. (US Patent Number 5,766,079).

**Claims 1, 10, 19:** Kataoka teaches a virtual space control method, comprising the steps of: changing an orientation of a prescribed part of a virtual character (the turret of the tank may turn to any direction) in a virtual space; and changing a screen image in the virtual space in response to the change in orientation of the prescribed part. (Figs 8 & 9, Col 2, 17-29) The player rotates the turret of the tank to view a different area in the virtual space. The screen image represents a virtual field of view of the virtual space defined by a viewpoint other than the viewpoint of the virtual character. Figs 7a-c show the relationship between the character and the virtual camera (i.e., viewpoint). Fig 7c clearly shows a viewpoint different from the viewpoint of the virtual character – a viewpoint that shows the entire tank (player character). Kataoka teaches moving the virtual character (the tank) through virtual space. (Fig 5) The step of changing the screen image has a step of changing the screen image in response to the movement of the virtual character (i.e., if the tank moves forward, the image on the screen reflects this forward movement) and to the change in orientation of the prescribed part (Figs 8 & 9, Col 2, 17-29).

**Claims 2, 11, 20:** Kataoka teaches that the game image may be a fighter. (Col 9, 55-57) A fighter is a virtual character with a head. The head corresponds to the turret of the tank. Therefore, the step of changing a direction has a step of changing an orientation of a head of the virtual character as the change in direction of the prescribed part, and the step of changing the screen image has a step of changing the viewpoint defining the virtual field of view in response to the change in orientation of the head of the virtual character. (Figs 5 & 7a-c)

**Claims 3, 12, 21:** Kataoka teaches receiving an operation command input from the virtual character, and that the step of changing an orientation has a step of changing the orientation of the prescribed part in response to the operation command input. The player provides input that causes the turret to move in response thereto. (Col 2, 18-29)

**Claims 4, 13, 22:** Kataoka teaches detecting occurrence of a prescribed event (i.e., the user inputting a rotation command), and wherein the step of changing an orientation has a step of changing the orientation of the prescribed part in response to the occurrence of the prescribed event.

**Claims 6, 15, 24:** Kataoka teaches generating a prescribed object in the virtual space only when the movement of the virtual character occurs, and the orientation of the prescribed part is changed into a prescribed manner. This is interpreted to mean that the game does not generate images unless they are visible. Thus, for instance, no image is shown for objects that are behind the tank unless the turret is traversed to bring the object into view.

**Claims 7, 16, 25:** Kataoka teaches setting target coordinates in the virtual space, and wherein the step of changing the orientation has a step of changing the orientation of the prescribed part of the virtual character toward the target coordinates. (Col 2, 18-29)

**Claims 9, 18, 27:** Kataoka teaches causing a change in orientation of another part of the virtual character influenced by change in orientation of the prescribed part in a pre-established prescribed proportion to the change in orientation of the prescribe part. The tank body follows the direction of sight. (Figs 10 & 11)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 17 & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kataoka as applied to claim 1, 9 or 19.

**Claims 8, 17, 26:** Kataoka teaches the invention substantially as claimed, but does not specifically teach setting a limit to an orientation changeable range of the prescribed part (i.e., the head) of the virtual character Kataoka teaches that the game image may be a fighter. (Col 9, 55-57) Fighters are human. Humans have a limited range of motion in their heads. It would have been obvious to one of ordinary skill in the art at the time of the invention to have set a limit to a direction changeable range of the prescribed part (i.e., the head) of the virtual character in order to realistically depict the movement of the human head, thus carrying out the teaching of Kataoka.

***Allowable Subject Matter***

5. Claims 29-31 are allowed.
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

7. Applicant's arguments filed 25 October 2005 have been fully considered but they are not persuasive.

8. Applicant argues that the camera of Fig 7c may not have a wide enough field of view to show the entire tank. However, if we translate the field of view shown in figure 8 to the camera in figure 7c, it is clear that the entire tank would be shown.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

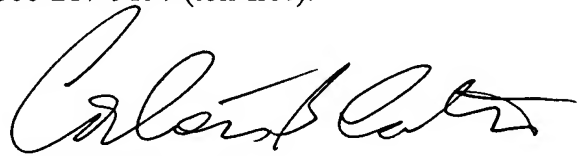
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Corbett B. Coburn', is positioned above the printed name and title.

Corbett B. Coburn  
Examiner  
Art Unit 3714